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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/774,992	01/31/2001	Joseph Cosentino	8818.00	4371

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Intellectual Property Section
Law Department
NCR Corporation
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EXAMINER

LOHN, JOSHUA A

ART UNIT

PAPER NUMBER

2114

DATE MAILED: 05/27/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/774,992

Applicant(s)

COSENTINO, JOSEPH

Examiner

Joshua A Lohn

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 April 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-21 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 31 January 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

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DETAILED ACTION

Response to Arguments

In view of the Appeal Brief filed on 4/29/2004, PROSECUTION IS HEREBY REOPENED. A new ground of rejection is set forth below.

To avoid abandonment of the application, appellant must exercise one of the following two options:

(1) file a reply under 37 CFR 1.111 (if this Office action is non-final) or a reply under 37 CFR 1.113 (if this Office action is final); or,

(2) request reinstatement of the appeal.

If reinstatement of the appeal is requested, such request must be accompanied by a supplemental appeal brief, but no new amendments, affidavits (37 CFR 1.130, 1.131 or 1.132) or other evidence are permitted. See 37 CFR 1.193(b)(2).

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-5, 8-12, and 15-19 are rejected under 35 U.S.C. 102(e) as being anticipated by Garg et al., United States Patent number 6,327,677, filed April 27, 1998.

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As per claim 1, Garg discloses monitoring a number of operating parameters associated with operation of a system through the use of the monitoring system (col. 3, lines 58-60). Garg also discloses storing a number of operating parameters into a database, as is shown in the maintaining of analyzed operating parameters in the storage device (col. 5, lines 66-67, col. 6, lines 1-3). Garg discloses retrieving a fault finding test script file that contains a number of tests that can be performed on the system. This is disclosed in the cognitive signature module of Garg. This module stores one or more cognitive signatures (col. 6, lines 5-6). These cognitive signatures are individual tests that are used to test that the system is not in a state requiring the generation of alarm, and the module storing the tests acts as a test script file that contains a number of tests (col. 6, lines 5-16). Garg also discloses performing tests contained in the retrieved fault finding test script file using at least some of the parameters stored in the database to provide a number of signals indicative of a potential fault condition. The tests, or cognitive signatures, are used to compare and test the operating parameters that are retrieved from the storage database to generate a potential fault condition alarm (col. 12, lines 4-20). Garg discloses updating the retrieved fault finding test script file based upon test results from tests that have been performed on the system. This is shown in the dependence of the update process of the cognitive signature tests to the results of previous testing (col. 7, lines 31-46).

As per claim 2, Garg teaches of displaying a message to assist an operator in diagnosing the potential fault condition before the potential fault condition actually occurs (col. 15, lines 15-21), where a message including message useful for diagnosing a problem can be sent before a problem escalates until a severe fault.

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As per claim 3, Garg teaches periodically determining if the signals indicative of the potential fault condition match a predetermined fault pattern, where the comparison to historically determined threshold levels can indicate a fault pattern potential (col. 6, lines 6-13).

As per claim 4, Garg discloses alerting an operator when the signals indicative of the potential fault condition match the predetermined fault pattern (col. 6, lines 17-23).

As per claim 5, Garg discloses logging a fault event when the signals indicative of the potential fault condition match the predetermined fault pattern, where the various notification responses log the event (col. 7, lines 12-20).

As per claims 8-12, these claims are the means for applying the methods of claims 1-5. Garg discloses a Network Monitor (fig. 2) that provides a means utilizing the disclosed methods. The implementation utilizing a network monitor allows claims 8-12 to be rejected under the same grounds as listed above.

As per claim 15-19, these claims are a software implementation of the methods of claims 1-5. Garg discloses performing the methods mentioned above in software (col. 16, lines 64-67), and the grounds of rejection are the same as those above while utilizing a software program.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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Claims 6, 7, 13, 14, 20, and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Garg in further view of Bliley et al., United States Patent no. 6,622,264, filed November 22, 1999.

As per claim 6, Garg discloses the limitations depending from claim 1, as mentioned above. Garg further discloses sending notification to the operator that would aid in diagnosing a potential fault condition (Garg, col. 6, lines 13-23). Garg fails to disclose further displaying a number of actions on a screen to assist the operator in diagnosing the potential fault condition.

Bliley discloses displaying a number of actions on a screen to assist the operator in diagnosing the potential fault condition, (Bliley, col. 5, lines 45-51).

It would have been obvious to one skilled in the art at the time the invention was made to include the display mechanism of Bliley in the output of Garg.

This would have been obvious because Garg obviously expresses a desire to provide diagnostic information to the operator, as shown in the emails sent to administrators (Garg, col. 15, lines 15-21). Bliley discloses providing the operator with data provided by an electronic database to check as an aid for diagnosis (Bliley, col. 5, lines 45-51). This database provides increased reliability in indicating to a operator of the system the proper course of action by indicating possible diagnosis and repair information in an electronic format (Bliley, col. 5, lines 40-51, col. 6, lines 43-45). It would have been obvious to one skilled in the art at the time the invention was made to include the data of the electronic database of Bliley in the message sent by Garg, which as an email is inherently displayed to a screen of an email viewing device, to provide for more complete fault diagnosis information and activities for the operator to gain any

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necessary data. The inclusion of this database in an electronic message would have included the obvious benefit of providing the administrator with a direction to take in the diagnosis and repair of the fault.

As per claim 7, the combined invention of Garg and Bliley described above teaches of displaying specific instructions to provide a step-by-step approach to diagnosing the potential fault condition, as shown in the set of instructions (Bliley, col. 5, lines 45-51).

As per claims 13 and 14, these claims are the means for applying the methods of claims 6 and 7. Garg discloses a Network Monitor (fig. 2) that provides a means utilizing the disclosed methods. The implementation utilizing a network monitor allows claims 13 and 14 to be rejected under the same grounds as listed above.

As per claim 20 and 21, these claims are a software implementation of the methods of claims 6 and 7. Garg discloses performing the methods mentioned above in software (col. 16, lines 64-67), and the grounds of rejection are the same as those above while utilizing a software program.

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Conclusion


The prior art made of record and not relied upon is considered pertinent to applicant's disclosure is provided on form PTO-892.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joshua A Lohn whose telephone number is (703) 305-3188. The examiner can normally be reached on M-F 8-4.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Beausoleil can be reached on (703) 305-9713. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

JAL


SCOTT BADERMAN
PRIMARY EXAMINER